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AUTHOR	McAndrews, Tobin
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ABSTRACT

State legislatures and school boards are adopting a growing number of zero-tolerance polices toward weapons, guns, and violence. Zero-tolerance polices are rules intended to address specific school-safety issues. They have arisen in part as a response to the threat of the withdrawal of federal funds under the 1994 Gun-Free Schools Act, and pressure to address school violence created by extensive media coverage of incidents during the 1990s. The National Center for Education Statistics found that after 4 years, zero-tolerance polices had little effect on previously unsafe schools. Positive results are reported by some schools, including Henry Foss Senior High School in Tacoma (WA), and the Lower Camden Country Regional High School District in New Jersey. Critics of zero tolerance argue that such polices worsen problems in the long-term by excluding at-risk students and increasing dropout rates. They also charge that the policies are inconsistently applied and interpreted. Effective zero-tolerance policies must specify consequences; allow flexibility; consider alternatives to expulsion; clearly define weapons, drugs, and inappropriate acts; involve the collaboration of all stakeholders; build on lessons from early programs; integrate health-education programs; tailor policies to local needs; and implement regular program reviews. Sound policies must allow for discretion, incorporate a range of sanctions that appropriately reflect incident severity, direct expelled students to counseling, and be developed as part of broader policies for school safety. (Contains 12 references.) (TEJ)

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Zero-Tolerance Policies

By Tobin McAndrews

Responding to concern over school safety, state legislatures and school boards in recent years have enacted a range of zero-tolerance policies focused on combating weapons, drugs, violence, and antisocial behavior. Results have been mixed, with some critics discounting the policies altogether. Almost all schools report having zero-tolerance policies for firearms (94 percent) and weapons other than firearms (91 percent), according to the National Center for Education Statistics (Kaufman and others 2000). Eighty-seven percent of schools have zero-tolerance policies for alcohol, and 88 percent have policies for drugs. Most schools also have zero-tolerance policies for violence and tobacco (79 percent each).

This Digest describes the origins of zero-tolerance policies, presents evidence on their effectiveness, examines criticisms of them, and recommends strategies to make the policies more useful.

What Is Zero Tolerance?

Zero-tolerance policies are administrative rules intended to address specific problems associated with school safety and discipline. In 1994 Congress passed the Gun-Free Schools Act, which required states to legislate zero-tolerance laws or risk losing federal funds (Martin 2000). In response, various states, counties, and districts have developed their own policies in tune with local needs. In implementing the policies, some administrators have cast a broad net, treating both minor and major incidents with equal severity to "send a message" to potential violators (Skiba and Peterson 1999).

The Gun-Free Schools Act included language allowing local review on a case-by-case basis. Some administrators have declined to exercise this discretion, believing instead that continued unwavering application of zero tolerance is necessary to deal with disruptive students (Skiba and Peterson).

Sometimes even exemplary students are caught in the zero-tolerance net. For instance, during the 1997-8 school year, a teacher observed 12-year-old Adam L., an A student, filing his nails with a miniature Swiss Army knife; for violating the school's antiweapons policy, the youth received a one-year expulsion (Zirkel 1999).

Why Were Zero-Tolerance Policies Established?

Zero-tolerance policies were enacted to combat the seemingly overwhelming increase in school violence during the 1990s. In a 1995 School Crime Victimization Survey, 12 percent of responding students knew someone who had brought a gun to school (Ashford 2000). As the media focused on violence in schools, pressure increased on legislators to take action against weapons in schools.

Following enactment of the Gun-Free Schools Act, all 50 states adopted some variation of the law. This law made Elementary and Secondary Education Act (ESEA) funds "contingent on a state's enacting a 'zero-tolerance' law with the goal of producing gun-free schools" (Ashford). Some states went beyond this focus on guns and decided to apply zero tolerance to the entire breadth of possible disciplinary infractions in an effort to weed out violators and standardize discipline.

Are Zero-Tolerance Policies Fulfilling Their Purpose?

It has been almost a decade since schools first began to institute zero-tolerance policies, and more than six years since the Gun-Free Schools Act. Critics claim there has been no concerted effort to test the efficacy of interventions that target school behavior, and few studies have evaluated the effectiveness of zero-tolerance strategies (Skiba and Peterson).

The National Center for Education Statistics found that, after four years of implementation, zero-tolerance policies had little effect at previously unsafe schools; the center also reports that the current data do not demonstrate a dramatic decrease in school-based violence in recent years (Ashford). The popularity of zero-tolerance policies may have less to do with their actual effect than the image they portray of schools taking resolute measures to prevent violence. Whether the policies actually change student behavior may be less important than the reassurance it gives the school community at large (Ashford).

Some schools report positive results from their policies. In Tacoma, Washington, Henry Foss Senior High School's School-Centered Decision Making (SCDM) team implemented in fall 1991 a zero-tolerance policy against fighting. After one year, the policy resulted in a 95 percent drop in violent behavior on campus. Moreover, the policy's positive impact led to record-breaking freshmen enrollment; the majority of new entrants indicated that they were attending the school primarily because of its safety (Burke and Herbert 1996).

Similar results were found in New Jersey's Lower Camden County Regional High School District, where zero tolerance contributed to a 30 percent drop in superintendent disciplinary hearings; drug-related offenses dropped by nearly one-half (Schreiner 1996).

Why Are Zero-Tolerance Policies Criticized?

Zero-tolerance policies create long-term problems through exclusion, say critics. Consistently, school suspension was found to be a moderate to strong predictor of a student's dropping out of school (Skiba and Peterson). When students are not in school, they are on the streets and, more often than not, getting in more serious trouble than they could at school. Setting these policies in stone without any thought to the inherent ambiguities of human interaction allows only arbitrariness and exclusion and, thus, abandons the educational mission of schools, asserts Perlstein (2000).

Zero-tolerance policies have undoubtedly created legal headaches for some school administrators. By greatly increasing the number of students considered for expulsion, and by removing

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the flexibility previously accorded to administrators, these policies have hindered administrators' ability to address marginal incidents, says Stader (2000).

Perhaps the biggest problem with zero-tolerance policies is inconsistent application and interpretation. David Day, general counsel for four Indiana school districts, says he expects lawsuits when board members suddenly announce they are imposing a zero-tolerance policy that leaves no room for administrators' discretion or students' due-process rights (Jones 2000).

In February 2001, the American Bar Association approved a resolution opposing "policies that have a discriminatory effect, or mandate either expulsion or referral of students to juvenile or criminal court, without regard to the circumstances or nature of the offense or the student's history."

A report on the resolution noted the disproportionate number of African-American students who have been expelled (Juvenile Law Center 2000).

A weak link in the chain connecting policy to practice is that those responsible for implementation often haven't heard of, or don't clearly understand, the policy. In the absence of training on how to deal with infractions, administrative ignorance or ineptitude is largely to blame for lawsuits over disciplinary actions.

Although most mainstream students live in a "one strike you're out" environment, the situation is different for special-education students. Laws governing violations by special-education students generally guarantee the student's right to due process under the Fourteenth Amendment. To expel a special-education student, a panel must be convened to determine whether the violation is related to the student's disability, in which case the school must follow due-process procedures, including an IEP meeting and subsequent hearing (Zirkel).

Special-education students are also protected by the "stay put" provision, which keeps them in their present educational environment unless a court grants a preliminary injunction declaring that the student presents a high level of danger as defined in *Honig v. Doe* (1988).

What Are the Elements of an Effective Policy?

When formulating a zero-tolerance policy, it may be useful for state officials and local school boards to attend to the following recommendations:

- Specify clear consequences for misbehavior, with consistency of application.
- Allow flexibility and consider expulsion alternatives.
- Clearly define what constitutes a weapon, a drug, or an act of misbehavior.
- Comply with state due-process laws and allow for student hearings.
- Develop the policy collaboratively with all stakeholding agencies (for example, state departments of education, juvenile justice, and health and human services).
- Learn from the experiences educators have had with zero tolerance in other states, schools, and districts.
- Integrate comprehensive health-education programs that include drug and alcohol curricula.
- Tailor the policy to local needs.
- Review the policy each year.

A sound policy allows administrators some degree of discretion in responding to infractions. The policy should allow officials to consider the special circumstances of a violation, such as the age of the offender, the ability of the offender to comprehend the policy, the intent of the offender, the effect of the transgression on other students (both those directly and indirectly involved), and, finally, the past disciplinary record of the offender (Martin). Special circumstances can be used to consider alternatives that may be more appropriate than expulsion.

By categorizing violations in accordance with their severity, administrators send a strong message that violations will not be allowed, while avoiding a "one size fits all" approach (Ashford). While setting up discretionary systems to handle policy violation may prolong the decision-making process, it will free schools from a tangle of due-process litigation and allow decisions to be made on the basis of facts so appropriate disciplinary action can be levied (Stader).

When students are suspended or expelled, they should be referred to outside counseling and, in extreme cases, to local law-enforcement agencies. By following these guidelines, administrators will not only cover their own accountability but also create excellent resources that could offer valuable second opinions into any administrative decisions being made.

A zero-tolerance policy is but one part of a broader set of policies dealing with school safety. Each school district should also develop a crisis-management plan tailored to individual schools and their communities. Conflict-mediation programs, active recruitment of students to participate in planning, and peer mentoring may open lines of communication between students, improve the school climate, and reduce violence (Stader). This strategy has worked for schools in Wisconsin and North Carolina (Blair 1999).

When communicating zero-tolerance policies to the public as well as to the school community, officials should focus on three points: exact definitions of punishable offenses, consequences for noncompliance, and the decision process that will be followed when offenses occur. To alleviate apprehension, administrators can stress that children are actually safer at school than anywhere else.

Resources

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